

REMARKS

Applicants submit this Amendment After Final in reply to the final Office Action mailed October 6, 2005.

As an initial matter, Applicants bring to the Examiner's attention the Second Supplemental IDS filed October 3, 2005. In the next action, Applicants request that the Examiner consider the submitted documents and indicate they were considered by noting the accompanying Form PTO/SB/08.

By this Amendment After Final, Applicants have amended claims 41, 52, and 62, and added new claims 69-80. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims 41, 52, and 62, and new claims 69-80. No new matter has been introduced.

Before entry of this Amendment After Final, claims 41-49, 51-60, and 62-68 were pending in this application. After entry of this Amendment After Final, claims 41-49, 51-60, and 62-80 are pending in this application. Claims 41, 52, and 62 are the sole independent claims.

On page 2 of the final Office Action, claims 62-64, 66, and 68 were rejected under 35 U.S.C. §102(a) as being anticipated by WO Publication No. 98/12990 to Sogard et al. ("Sogard"). Applicants respectfully traverse this rejection for at least the reasons set forth on pages 9-12 of the Amendment filed July 22, 2005 ("Amendment"), and also respectfully disagree with the Response to Arguments set forth on pages 4-5 of the final Office Action.

Nevertheless, solely in the interests of expediting the prosecution of this application, Applicants have amended independent claim 62 to recite a conduit for

providing blood flow directly from a heart chamber to a coronary vessel, including, among other aspects, "wherein the stent includes a bend along a longitudinal axis of the stent." Sogard does not disclose device 16 including such a bend. Accordingly, for at least these reasons, Applicants respectfully request withdrawal of the Section 102(a) rejection based on Sogard.

On pages 2-3 of the final Office Action, claims 65 and 67 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sogard in view of U.S. Patent No. 5,637,112 to Tartaglia et al. ("Tartaglia"). The final Office Action cites Tartaglia only for its alleged disclosure of the use of heparin on a covered stent. As Tartaglia does not remedy the aforementioned deficiencies of Sogard, Applicants respectfully request withdrawal of the Section 103(a) rejection based on Sogard and Tartaglia.

On pages 3-4 of the final Office Action, claims 41, 43, 47-49, 51-53, 55, and 58-60 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,429,144 to Wilk ("Wilk") in view of U.S. Patent No. 5,755,682 to Knudson et al. ("Knudson"), and claims 41-61 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wilk in view of U.S. Patent No. 5,123,917 to Lee ("Lee"). Applicants respectfully traverse these rejections for at least the reasons set forth on pages 13-15 of the Amendment, and also respectfully disagree with the Response to Arguments set forth on page 5 of the final Office Action.

Nevertheless, solely in the interests of expediting the prosecution of this application, Applicants have amended independent claim 41 to recite a method including, among other aspects, "providing a stent that ... includes a covering on both an inner surface portion and an outer surface portion of the stent," and amended

independent claim 52 to recite a method including, among other aspects, "applying a covering to both an inner surface portion and an outer surface portion of the stent." The prior art does not disclose or suggest at least these respective aspects of independent claims 41 and 52. As set forth on page 14 of the Amendment, even assuming that outer layer 80 and inner layer 82 in Fig. 9 of Wilk respectively correspond to the stent and the covering as set forth in each of claims 41 and 52, inner layer 82 only covers an inner portion of outer layer 80, and not "both an inner surface portion and an outer surface portion" as set forth in each of claims 41 and 52. Applicants note that since Fig. 9 is a partially broken away view, the portion of inner layer 82 that may appear to be on an outer portion of outer layer 80 in Fig. 9 is in fact also disposed on the inner portion of outer layer 80. Additionally, even assuming that stent segments 72 and vascular graft layer 84 in Figs. 8A and 8B of Wilk respectively correspond to the stent and the covering as set forth in each of claims 41 and 52, vascular graft layer 84 only covers an inner portion of stent segments 72, and not "both an inner surface portion and an outer surface portion" as set forth in each of claims 41 and 52.

In the Response to Arguments on page 5 of the final Office Action, the Examiner asserts (1) that the claims only require the layers to cover a portion of the surfaces, and (2) claim 41 requires three serially-listed features that only require a covering on an inner surface of the stent. Applicants have amended claims 41 and 52 to make clear that claims 41 and 52 require a covering on both an inner surface and an outer surface of the stent.

Moreover, Knudson nor Lee remedy the deficiencies of Wilk. Indeed, the final Office Action cites Knudson and Lee for other purposes. Accordingly, for at least these

reasons, a proper case of *prima facie* obviousness has not been established for independent claims 41 and 52 and their respective dependent claims, and thus the Section 103(a) rejections based on Wilk, Knudson, and Lee should be withdrawn.

Claims 42-49, 51, 53-60, and 63-80 depend from one of independent claims 41, 52, and 62, and are therefore allowable for at least the same reasons that each respective independent claim is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by the cited references, and therefore at least some also are separately patentable.

Applicants respectfully request that this Amendment After Final under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 41-49, 51-60, and 62-80 in condition for allowance. Applicants submit that the proposed amendments of claims 41, 52, and 62, and new claims 69-80 do not necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment After Final should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final Office Action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment After Final would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment After Final would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the art cited against this application. Applicants therefore request the withdrawal of the final rejection, and the timely allowance of pending claims 41-49, 51-60, and 62-80.

The final Office Action contains other characterizations and assertions regarding the claims and the cited art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the final Office Action.

In discussing the specification and claims in this Amendment After Final, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment After Final and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: January 5, 2006

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